

**AGENDA**  
**FREMONT PUBLIC FINANCING AUTHORITY MEETING**  
**JANUARY 13, 2009**  
**7:00 P.M.**

**1. CALL TO ORDER**

**2. CONSENT CALENDAR**

*Items on the Consent Calendar are considered to be routine by the Public Financing Authority and will be enacted by one motion and one vote. There will be no separate discussion of these items unless an Authority Member or citizen so requests, in which event the item will be removed from the Consent Calendar and considered in its normal sequence on the agenda. Additionally, other items without a "Request to Address the Public Financing Authority" card in opposition may be added to the consent calendar. (In the report section of the agenda, consent items are indicated by an asterisk.)*

2.1 *Approval of Minutes for the Regular Meeting of October 7, 2008.*

2.2 ***SUBSTITUTION OF LEASE SECURITY FOR 2008 FIXED RATE CERTIFICATES OF PARTICIPATION***

*Adopt Resolution to Substitute Maintenance Facility for Three City Properties Securing the 2008 Fixed Rate Certificates of Participation (COPs)*

**Contact Person:**

<b>Name:</b>	<i>Don Dorman</i>	<i>Harriet Commons</i>
<b>Title:</b>	<i>Revenue and Treasury Manager</i>	<i>Finance Director/Treasurer</i>
<b>Dept.:</b>	<i>Finance</i>	<i>Finance</i>
<b>Phone:</b>	<i>510-494-4616</i>	<i>510-284-4010</i>
<b>E-Mail:</b>	<i>ddorman@fremont.gov</i>	<i>hcommons@fremont.gov</i>

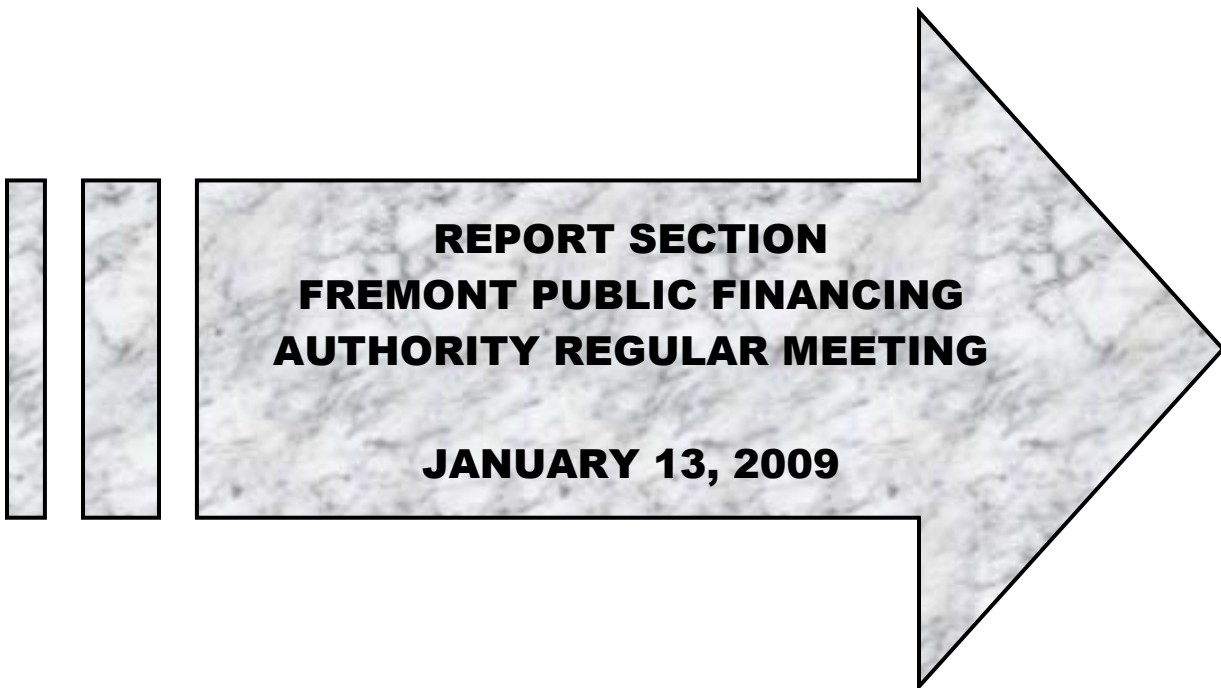
**RECOMMENDATIONS:**

- 1. Adopt a resolution authorizing the substitution of the Maintenance Center Building for the three City properties presently subject to leases between the City and the Fremont Public Financing Authority which secure the 2008 fixed rate certificates of participation debt service payments, and*
- 2. Authorize the Executive Director or his designee to execute all documents necessary to effectuate this substitution.*

**3. PUBLIC COMMUNICATIONS**

3.1 Oral and Written Communications

4. **PUBLIC HEARINGS** – None.
5. **OTHER BUSINESS** – None.
6. **ADJOURNMENT**





**\*2.2 SUBSTITUTION OF LEASE SECURITY FOR 2008 FIXED RATE CERTIFICATES OF PARTICIPATION**

**Adopt Resolution to Substitute Maintenance Facility for Three City Properties Securing the 2008 Fixed Rate Certificates of Participation (COPs)**

**Contact Person:**

Name:	Don Dorman	Harriet Commons
Title:	Revenue and Treasury Manager	Finance Director/Treasurer
Dept.:	Finance	Finance
Phone:	510-494-4616	510-284-4010
E-Mail:	ddorman@fremont.gov	hcommons@fremont.gov

---

**Note:** A companion report is on the agenda of the Fremont City Council tonight.

**Executive Summary:** The proposed resolution substitutes the Maintenance Center property for three properties temporarily used to secure debt service payments for the 2008 fixed rate certificates of participation (COPs). This substitution will release the encumbrances against the Development Services Center building and Fire Stations 5 and 10 in the leases between the City and the Fremont Public Financing Authority (PFA). These three properties were initially used in the lease pending the Maintenance Center property being freed up with the refunding of the 2002 COPs, which occurred in November 2008 using proceeds from the 2008 variable rate COPs. The City's and the PFA's intentions to make this substitution were described in both the preliminary official statement and the official statement for the 2008 fixed rate COPs.

**BACKGROUND:** The City Council and the PFA authorized the issuance of two COPs at the end of 2008: (1) the 2008 fixed rate COPs, which refunded the 1990, 1991, and 2003 COPs, and (2) the 2008 variable rate COPs, which refunded the 2002 COPs, and raised almost \$16 million for previously approved capital projects. One reason for refunding the older COPs was to release some of the City property being used to secure the debt service payments for the existing COPs, thereby making more efficient use of the City's equity in its public property.

**Discussion:** When the 2008 fixed rate COPs were approved, the stated plan was to eventually substitute the Maintenance Center located at 42551 Osgood Road for the three City properties temporarily leased to secure the debt service payments: (1) the Development Services Center building located at 39550 Liberty Street, (2) Fire Station 5 (Warm Springs) located at 55 Hackamore Lane, and (3) Fire Station 10 (Ardenwood) located at 5001 Deep Creek Road. This substitution of leased properties was to occur after the City refunded its 2002 COPs with the proceeds from the 2008 variable rate COPs, which happened in November. The proposed resolution completes the transactions according to this plan.

If approved by the Board, the Executive Director will be authorized to sign the documents needed to effect this substitution: the lease documents between the City and the PFA, and the amendment to the assignment by the PFA of its rights under the leases to the COP trustee for the benefit of the investors.

**ENCLOSURE:** Draft Resolution

**RECOMMENDATIONS:**

1. Adopt a resolution authorizing the substitution of the Maintenance Center Building for the three City properties presently subject to leases between the City and the Fremont Public Financing Authority which secure the 2008 fixed rate certificates of participation debt service payments, and
2. Authorize the Executive Director or his designee to execute all documents necessary to effectuate this substitution.